

IMMIGRATION JOINT RESOLUTION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ross I. Romero

House Sponsor: _____

LONG TITLE**General Description:**

This joint resolution of the Legislature urges Congress to reform an outdated and ineffective federal immigration system and recommends that implementation of state immigration regulation proposals on certain immigration issues be delayed until after January 28, 2013, to allow time for federal immigration reform to pass.

Highlighted Provisions:

This resolution:

- ▶ strongly urges the United States Congress to address federal immigration reform and to incorporate an increased and complementary role for states for reasons of greater efficiency and coordination; and
- ▶ recommends that state immigration regulation proposals concerning immigration enforcement, state work permits, guest worker programs that go beyond the current federal program, business licenses, professional licenses, Driving Privilege Cards, in-state tuition requirements, and variations on these issues be delayed until after January 28, 2013, to allow federal immigration reform to take place.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, the United States Constitution and United States Supreme Court decisions



fix primary immigration policymaking authority with the federal government;

WHEREAS, Utah must currently address pressing and higher priority issues of education, the economy, job creation, health, and the environment;

WHEREAS, state immigration policies would violate the influential Utah Compact, which emphasizes "Federal Solutions" as a principle;

WHEREAS, Utah immigration initiatives largely are problematic under the federal preemption doctrine and the Supremacy Clause of the United States Constitution;

WHEREAS, state and local immigration laws have led to costly lawsuits and economic drains in numerous states and localities;

WHEREAS, the unintended consequences of these laws are difficult to assess but largely destabilizing to families, communities, and economies;

WHEREAS, Utah has an illegal immigrant population estimated at between 2% and 4% of the state's population;

WHEREAS, state immigration enforcement could be unconstitutional and would impose costs and perhaps unintended consequences of local and state law enforcement agencies;

WHEREAS, state immigration enforcement would have limited effectiveness given current federal prioritization established and coordinated by Immigration and Customs Enforcement;

WHEREAS, establishing a Utah work permit would violate federal law prohibiting the unlawful employment of unauthorized aliens and would violate the Supremacy Clause of the United States Constitution;

WHEREAS, no waiver or federal approval for such a violation of federal law is available in immigration law, nor is the defect otherwise curable;

WHEREAS, guest worker programs that sought to include illegal immigrants residing in Utah would also violate federal law;

WHEREAS, Utah has no ability to adjust immigrant visa quotas to economic and societal needs since that authority rests exclusively with the federal government;

WHEREAS, increased state regulation of business and professional licenses, even if for the purpose of completing federal immigration law that prohibits illegal immigrants from working, would impose costs on all businesses;

59 WHEREAS, mandating a voluntary federal E-Verify system on Utah employers would
60 impose added costs and administrative burdens on businesses;

61 WHEREAS, attempts to revoke or limit the Driving Privilege Card would complicate
62 processes for all applicants, similar to changes that increased waiting times for all applicants in
63 2010;

64 WHEREAS, the Driving Privilege Card has been shown effective in limiting the
65 number of uninsured drivers on Utah roads;

66 WHEREAS, a revocation of the Driving Privilege Card would result in less revenue for
67 the state;

68 WHEREAS, maintaining in-state tuition for qualifying students helps Utah develop a
69 more educated populace and workforce;

70 WHEREAS, restrictive Utah immigration laws could cause disruption in certain
71 markets and industries;

72 WHEREAS, restrictive Utah immigration laws could drive some small businesses out
73 of business;

74 WHEREAS, Utah immigration regulation efforts could further exacerbate societal
75 tensions at a time when economic and community challenges call for greater integration and
76 cohesion;

77 WHEREAS, the Utah Legislature has previously adopted S.B. 167, Penalties for False
78 Driver Licenses and Identification Cards (2005), S.B. 15, Workforce Services-Reporting
79 Misuse of Personal Identifying Information (2007), S.B. 81, Illegal Immigration (2008), and
80 H.B. 64, Deterring Illegal Immigration (2009), which address current state immigration
81 regulation;

82 WHEREAS, the Utah Compact is being used as a reference point for state immigration
83 regulation by Colorado, Arizona, Texas, Nebraska, Indiana, Georgia, and Florida; and

84 WHEREAS, federal immigration reform should include an increased and
85 complementary role for states to play that will improve efficiency and coordination:

86 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
87 strongly urges the United States Congress to address federal immigration reform and to
88 incorporate an increased and complementary role for states for reasons of greater efficiency and
89 coordination.

90 BE IT FURTHER RESOLVED that the Legislature of the state of Utah recommends
91 that state immigration regulation proposals concerning immigration enforcement, state work
92 permits, guest worker programs that go beyond the current federal program, business licenses,
93 professional licenses, Driving Privilege Cards, in-state tuition requirements, and variations on
94 these issues be delayed until after January 28, 2013, to allow federal immigration reform to
95 take place.

96 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
97 the United States, the Majority Leader of the United States Senate, the Speaker of the United
98 States House of Representatives, and to the members of Utah's congressional delegation.

Legislative Review Note
as of 2-14-11 4:50 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.J.R. 18

SHORT TITLE: Immigration Joint Resolution

SPONSOR: Romero, R.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this resolution likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this resolution likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this resolution likely will not result in direct, measurable expenditures by Utah residents or businesses.

2/18/2011, 11:51 AM, Lead Analyst: Allred, S./Attorney: JLW

Office of the Legislative Fiscal Analyst